

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

TIMOTHY A. WILSON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. CIV-11-778-C
	)	
JAMES RUDEK, et al.,	)	
	)	
Defendants.	)	

ORDER AFFIRMING REPORT AND RECOMMENDATION

This civil rights action brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Gary M. Purcell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Purcell entered a Third Supplemental Report and Recommendation on November 15, 2012, to which Plaintiff has timely objected. The Court therefore considers the matter de novo.

In his objection, Plaintiff sets out no facts which indicate he is any closer to obtaining service than before. This case has been pending over one and one-half years; there is no apparent likelihood that service can be achieved within any reasonable extension; and dismissal is without prejudice. Accordingly, the Report and Recommendation of the Magistrate Judge will be adopted. Plaintiff's "Motion to Issue Summons" provides no address or any information on where to serve these defendants, and if it is his assumption that

serving the Department of Corrections would constitute good service, Petitioner is mistaken. That Motion (dkt no. 64) is DENIED.

Accordingly, the Third Supplemental Report and Recommendation of the Magistrate Judge (Dkt. No. 80) is adopted and Plaintiff's civil rights complaint is dismissed without prejudice.

IT IS SO ORDERED this 20th day of December, 2012.



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ROBIN J. CAUTHRON  
United States District Judge